

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

November 15, 2004

**CALL TO PODIUM:**

**Trudy Schwarz, Community  
Planning Director**

**RESPONSIBLE STAFF:**

**Trudy Schwarz, Community  
Planning Director  
Patricia Patula, Planner**

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Resolution, Introduction of
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE: X-181****INTRODUCTION:**

Resolution authorizing the Annexation of approximately 13.18 acres of land adjacent to the present corporate limits, known as Crown Farm Point, located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive

**SUPPORTING BACKGROUND:**

The applicants, Lorraine Crown, Charles O. Crown, and Catherine V. Stinson, are petitioning the City to annex 13.18 acres of their property which were originally part of the Crown Farm. Parcel P458 consists of 7.07 acres and P619 of 6.11 acres. The acreage is located at the northwest and southwest quadrant of the intersection of Sam Eig Highway and Diamondback Drive (see map).

The annexation petition requests rezoning of the property that is presently zoned R-200 (Residential-One Family) with a TDR-5 overlay (Transfer of Development Rights) to the City's RP-T (Medium Density Residential) Zone. The application is proposing to have 6.07 units per acre for a total of 80 units.

Introduction of the attached annexation resolution will commence the annexation process. Advertisement and posting of the property for the Planning Commission, and Mayor and City Council subsequent public hearings will be initiated following introduction of the resolution. The date for the Planning Commission's public hearing is December 1, 2004. The Planning Commission's recommendation must be received by the Mayor and City Council 15 days prior to their public hearing. The Mayor and City Council hearing is tentatively scheduled for February 7, 2005.

**Attachments:**

*Resolution to be introduced  
Location Map  
Petition for Annexation  
Application*

**DESIRED OUTCOME:**

**Introduce the Resolution for X-181**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ANNEXATION  
TO THE CITY OF GAITHERSBURG  
OF APPROXIMATELY 13.18 ACRES OF LAND LOCATED  
ADJACENT TO THE PRESENT CORPORATE LIMITS, KNOWN AS  
CROWN FARM POINT, LOCATED  
AT THE NORTHWEST AND SOUTHWEST QUADRANT  
OF THE INTERSECTION OF SAM EIG HIGHWAY  
AND DIAMONDBACK DRIVE

**ANNEXATION X-181**

WHEREAS, the Mayor and City Council of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the above-noted parcels; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed, and who are registered as voters in County elections in the precincts in which the territory to be annexed is located:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are, enlarged by including therein the following area:

DESCRIPTION OF PROPERTY

Metes and Bounds Description  
Property of

James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson  
Liber 10251 at Folio 266

BEING two certain parcels of land, situated along Sam Eig Highway, Diamondback Drive and Fields Road, in the Gaithersburg (9<sup>th</sup>) Election District Montgomery County, Maryland, said parcels being part of the lands conveyed by Robert Franklin Crown to James Forrest Crown, Charles Oliver Crown and Catherine Virginia Stinson by deed dated September 21, 1988 and recorded among the Land Records of Montgomery County, Maryland (all title references hereinafter refer to said Land Records) in Liber 10251 at Folio 266, said parcels are more particularly described as follows, in accordance with a boundary survey prepared by Patton Harris Rust & Associates dated October 8, 2004:

Parcel "A"

BEGINNING for Parcel "A" at a capped iron pipe found at the beginning of parcel "A" of the aforesaid Liber 10251 at Folio at Folio 266, said point also being at the end of curve No. 2

as shown on "Plat No. 4, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department of Transportation Right-of-Way Plat file No. 256); thence running with the outlines of parcel "A" of said Liber 10251 at Folio 266 the following sixteen courses and with said Right-of-Way line of Sam Eig Highway the following two courses, referring the courses of this description to the Maryland Coordinate System (NAD 83/91):

- 1) 277.36 feet along the arc of a tangent curve to the left having a radius of 15,888.02 feet, a central angle of 01° 00' 01" and subtended by a chord bearing and distance of South 29° 30' 31" West, 277.35 feet to a capped iron pipe found, and
- 2) 270.71 feet along the arc of a tangent curve to the left having a radius of 3,891.73 feet, a central angle of 03° 59' 08" and subtended by a chord bearing and distance of South 27° 00' 57" West, 270.66 feet to a capped iron pipe found; thence running with the line of truncation to Fields Road South (Diamondback Road)
- 3) 240.52 feet along the arc of a tangent curve to the right having a radius of 135.00 feet, a central angle of 102° 04' 28" and subtended by a chord bearing and distance of South 76° 03' 43" West, 209.94 feet to a capped iron pipe found on the northerly right-of-way of Fields Road South as shown on "Plat No. 5, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department of Transportation Right-of-Way Plat file No. 257); thence running with the northerly right-of-way line of Fields Road South the following two courses:
- 4) North 52° 53' 57" West, 72.58 feet to a capped iron pipe found,
- 5) 329.21 feet along the arc of a tangent curve to the left having a radius of 879.51 feet, a central angle of 21° 26' 46" and subtended by a chord bearing and distance of North 63° 37' 21" West, 327.29 feet to a capped iron rebar set; thence running with the line of truncation to Story Drive
- 6) North 41° 57' 15" West, 44.20 feet to a capped iron rebar set; thence leaving the northerly right-of-way line of Fields Road South and running with the easterly right-of-way line of Story Drive as shown on "Plat No. 6, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department of Transportation RIGHT-of-Way Plat file No. 258, the following two courses:
- 7) North 01° 13' 08" West, 54.59 feet to a capped iron rebar set, and
- 8) 133.50 feet along the arc of a tangent curve to the left having a radius of 335.00 feet, a central angle of 22° 50' 00" and subtended by a chord bearing and distance of North 12° 38' 06" West, 132.62 feet to a capped iron rebar set; thence running with the line of truncation to Fields Road
- 9) North 29° 19' 17" East, 50.55 feet to a capped iron rebar set on the southerly right-of-way line of Fields Road as shown on the aforesaid Right-of-Way Plat No. 6; thence running with said right-of-way line of Fields Road the following seven courses:

- 10) 37.24 feet along the arc of a tangent curve to the right having a radius of 125.00 feet, a central angle of 17° 04' 06" and subtended by a chord bearing and distance of North 76° 58' 39" East, 37.10 feet to a capped iron rebar set,
- 11) North 85° 30' 42" East, 46.15 feet to a , capped iron rebar set,
- 12) North 77° 22' 54" East, 35.36 feet to a capped iron rebar set,
- 13) North 04° 29' 18" West, 13.71 feet to a capped iron rebar set,
- 14) North 85° 00' 08" East, 75.73 feet to a capped iron rebar set,
- 15) North 85° 00' 08" East 289.75 feet to a capped iron rebar set, and
- 16) North 87° 15' 10" East, 370.13 feet to the place of beginning.

THE area of land contained by the foregoing amounts to 308,051 square feet, or 7.0719 acres of land, more or less, together with and subject to appurtenances and encumbrances of record or in use.

#### Parcel "B"

BEGINNING for Parcel "B" at a stone found at the beginning point of parcel "B" of the aforesaid Liber 10251 at Folio 266, said point also being at the beginning of the easterly or the North 09° 30' 29" West, 814.75 feet line of parcel "A" as shown on a plat titled "PART ONE, WARTHER" and recorded as Plat No. 12518; thence running and with the outlines of Parcel "B" of said Liber 10251 at Folio 266 the following twelve courses and with the easterly line of said Plat No. 12518 the following course:

- 1) North 09° 17' 47" West, 815.22 feet to a capped iron rebar set on the easterly right-of-way line of Bickerstaff Way as shown on the aforesaid Right-of-Way Plat No. 6; thence leaving the outline of the aforesaid Plat No. 12518 and running with said right-of-way line of Bickerstaff Way the following two courses:
- 2) 96.58 feet along the arc of a tangent curve to the left having a radius of 330.00 feet, a central angle of 16° 46' 03" and subtended by a chord bearing and distance of North 07° 09' 54" East, 96.23 feet to a capped iron rebar set, and
- 3) North 01° 13' 07" West, 35.61 feet to a capped iron rebar set; thence running with the line of truncation to Fields Road South
- 4) North 52° 36' 25" East, 29.51 feet to a capped iron rebar set on the southerly right-of-way line of Fields Road South as shown on the aforesaid Right-of-Way Plat No. 6, said point being South 03° 52' 55" West, 112.71 feet from the beginning of the sixth, or North 41° 57' 15" West, 44.20 feet, line of the above described Parcel "A"; thence running with said right-of-way line of Fields Road South the following five courses:

- 5) 131.98 feet along the arc of a tangent curve to the right having a radius of 769.51 feet, a central angle of 09° 49' 38" and subtended by a chord bearing and distance of South 67° 43' 12" East, 131.82 feet to a capped iron rebar set,
- 6) 85.36 feet along the arc of a tangent curve to the right having a radius of 285.00 feet, a central angle of 17° 09' 38" and subtended by a chord bearing and distance of South 54° 13' 36" East, 85.04 feet to a capped iron pipe found,
- 7) 42.12 feet along the arc of a tangent curve to the left having a radius of 315.00 feet, a central angle of 07° 39' 42" and subtended by a chord bearing and distance of South 49° 28' 34" East, 42.09 feet to a capped rebar set,
- 8) 5.37 feet along the arc of a tangent curve to the right having a radius of 757.51 feet, a central angle of 00° 24' 22" and subtended by a chord bearing and distance of South 53° 06' 04" East, 5.37 feet to a capped rebar set, and
- 9) South 52° 53' 57" East 226.47 feet to a point being South 07° 55' 15" West 0.19 feet from a capped iron pipe found; thence running with the line of truncation to Sam Eig Highway
- 10) South 10° 33' 30" East, 94.42 feet to a capped iron pipe found on the westerly right-of-way line of Sam Eig Highway, said pipe being at the end of the North 20° 03' 25" East, 85.72 feet line as shown on the aforesaid Right-of-Way Plat No. 5; thence running, in part, with said right-of-way line and, in part, with the westerly right-of-way line as shown on "Plat No. 8, Right-of-Way Plat, Sam Eig Highway" (Montgomery County Department Transportation Right-of-Way Plat file No. 287) the follow course:
- 11) South 20° 02' 53" West, 632.90 feet to a capped iron rebar set; thence leaving said right-of-way line of Sam Eig highway and running with the closing line of parcel "B" of the aforesaid Liber 10251 at Folio 266,
- 12) North 89° 37' 39" West, 111.22 feet to the place of beginning.

THE area of land contained by the foregoing amounts to 266,332 square feet, or 6.1141 acres of land, more or less, together with and subject to appurtenances and encumbrances of record or in use.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this Resolution shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than four (4) times, at not less than weekly intervals, in *The Gaithersburg Gazette*, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that this annexation shall be subject to the terms and conditions of an annexation Agreement by and between the Property Owner and the City of Gaithersburg and any amendment which may be hereafter enacted thereto.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this Resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

<u>Number of Copies</u>	<u>Agency</u>
1	Department of Legislative Reference
1	Clerk of the Circuit for Montgomery County
1	Supervisor of Assessments for Montgomery County
1	Maryland-National Capital Park and Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall, after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the Mayor and City Council of the City of Gaithersburg this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THIS IS TO CERTIFY that the fore-  
Going Resolution was introduced by the  
City Council of the City of Gaithersburg  
On the 15<sup>th</sup> day of November, 2004, and  
Adopted by the City Council, in public  
Meeting assembled, on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2005.

This annexation will become effective on  
The \_\_\_\_\_ day of \_\_\_\_\_, 2005.

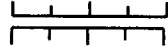
\_\_\_\_\_  
David B. Humpton, City Manager

# Annexation X-181 Crown Farm Point Location Map

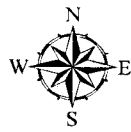
X-181 Locator Map.mxd • 10-Nov-2004 • jke

1 inch equals 250 feet

100 50 0 100 Feet



30 15 0 30 Meters



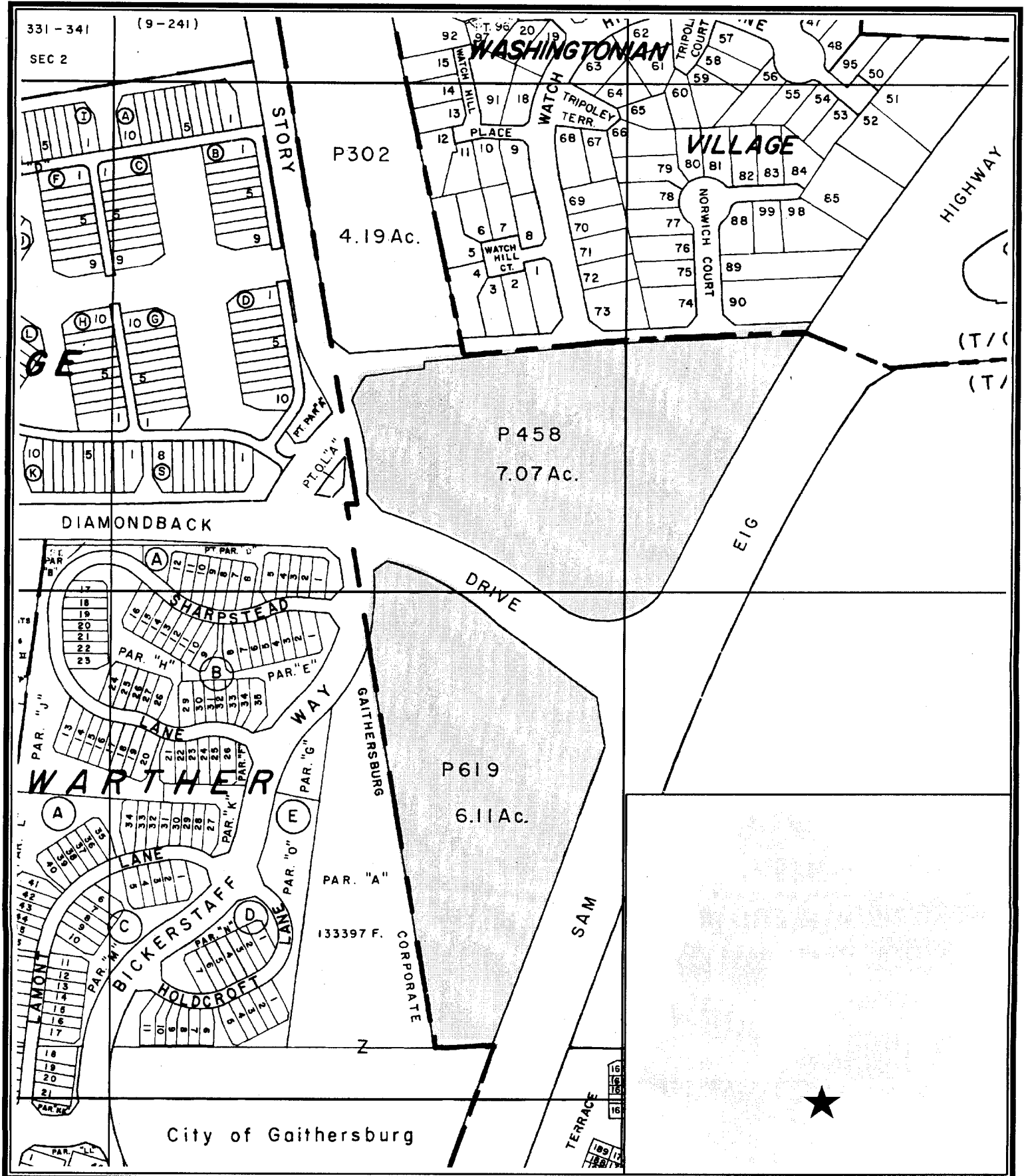
MD State Plane  
HPGN NAD 83/91

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City of Gaithersburg  
Planning and Code Admin  
31 S Summit Ave  
Gaithersburg, MD 20877  
(301) 258-6336  
www.gaithersburgmd.gov

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BEFORE THE MAYOR AND COUNCIL  
OF THE CITY OF GAITHERSBURG

PETITION FOR ANNEXATION

Pursuant to Section 19 of Article 23A of the Annotated Code of Maryland, Petitioners, Lorraine Crown, Charles O. Crown and Catherine V. Stinson petition the Mayor and Council of the City of Gaithersburg, Maryland to annex certain property into the corporate limits of the City of Gaithersburg. In support of this Petition, Petitioners state the following:

1. The property which is the subject of this Petition consists of 13.18 acres located at the northwest and southwest quadrants of the intersection of Sam Eig Highway with Diamondback Drive. The Property is known as Parcels P458 and P619 as shown on Montgomery County Tax Map FS342, and is more particularly described in the metes and bounds description attached hereto and made a part hereof as Exhibit "A".

2. The Property is contiguous and adjoining to the existing corporate area of the City of Gaithersburg.

3. Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the City of Gaithersburg, real property proposed to be within the City of Gaithersburg as a result of the proposed annexation, or any combination of any such properties.

4. The entire Property is owned jointly by Lorraine Crown, Charles O. Crown and Catherine V. Stinson. The Property is unimproved, and no persons registered as voters in the County reside on the Property. Accordingly, no additional consent is necessary for this Petition.



5. The Property is within the maximum expansion limits of the City of Gaithersburg, and annexation of the Property will provide a uniform corporate boundary for the City of Gaithersburg along Sam Eig Highway.

6. The Property is currently classified in the single-family residential R-200/TDR Zone in Montgomery County, Maryland. The adopted Shady Grove Study Area Master Plan, which amended the Montgomery County Gaithersburg Vicinity Master Plan, recommends that the Property be developed in accordance with the R-200/ TDR-5 Zone. The City of Gaithersburg has recommended that the Property be initially classified in the RP-T Zone.

7. The Petition proposes that the Property be developed with eighty (80) townhouse dwelling units. A conceptual site plan showing the proposed development of the Property is attached hereto and made a part hereof as Exhibit "B".

8. In support of this Petition, Petitioners submit the following exhibits:

Exhibit "A": Legal description of the Property;

Exhibit "B": Concept site plan depicting the proposed development of the Property;

Exhibit "C": Tax Map FS342, with the Property outlined in yellow;

Exhibit "D": Certified copy of the official zoning map for Montgomery County indicating the current R-200/TDR zoning classification of the Property; and

Exhibit "E": Boundary survey of the Property.

WHEREFORE, Lorraine Crown, Charles O. Crown, and Catherine V. Stinson respectfully request that the Mayor and Council of the City of Gaithersburg initiate all steps necessary for final enactment of a Resolution annexing the Property into the corporate boundaries of the City of Gaithersburg.

WITNESS:

Frank J. Corneli

LORRAINE CROWN

By: Lorraine Crown  
Lorraine Crown

\* \* \*

STATE OF MARYLAND

\*

\* to wit:

COUNTY OF

\*

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct., 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Lorraine Crown known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Corneli  
Notary Public

My Commission Expires: 4/1/08

[NOTARIAL SEAL]

WITNESS:

Frank J. Couch

CHARLES O. CROWN

By: Charles O. Crown  
Charles O. Crown

\* \* \*

STATE OF MARYLAND

\*

\* to wit:

\*

COUNTY OF

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct., 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Charles O. Crown, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Couch  
Notary Public

My Commission Expires: 4/1/08

[NOTARIAL SEAL]

WITNESS:

Frank J. Lombardi

CATHERINE V. STINSON

By: Catherine V. Stinson  
Catherine V. Stinson

\* \* \*

STATE OF MARYLAND

\*

\* to wit:

\*

COUNTY OF

I HEREBY CERTIFY that on this 20<sup>th</sup> day of Oct., 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared Catherine V. Stinson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

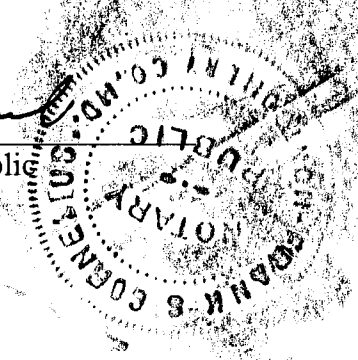
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank J. Lombardi  
Notary Public

My Commission Expires:

4/1/08

[NOTARIAL SEAL]



# ANNEXATION APPLICATION

Application No.	<u>X-181</u>
Date Filed	<u>11-5-04</u>
Legal Ad: PC	_____
M&C	_____
PC Hearing	_____
PC Recommendation	_____
M&C Hearing	_____
M&C Decision	_____
Decision Date	_____
Effective Date	_____

This application must be typewritten or printed clearly and submitted to the Planning and Code Administration for filing. All items must be completed and all required documents shown on the checklist must accompany this application.\*

PROPERTY KNOWN AS Part of Lorraine Crown, Charles O. Crown and Catherine V. Stinson Property  
 Location Northwest and southwest quadrant of the intersection of Sam Eig Highway and  
Diamondback Drive  
 Size (acres/sq.ft.) 13.18 acres  
 Tax Sheet FS 342 Parcel(s)/Lot/Block Parcels P458 and P619  
 Tax Account Number(s) 09-02952026/ 09-02952015/  
 Present County Zoning (incl. TDR, if applicable) R-200/TDR-5 Requested Zoning RP-T  
 Requested Density (if applicable) 6.07 units/acre (80) units  
 Proposed use after annexation Residential - townhouses

PROPERTY OWNER(S) Lorraine Crown, Charles O. Crown,  
Catherine V. Stinson Phone \_\_\_\_\_  
 Address 9410 Fields Road, Gaithersburg, Maryland 20878  
 Applicant's Representative Lorraine Crown Phone \_\_\_\_\_  
 Address 9410 Fields Road, Gaithersburg, Maryland 20878  
 Contract Purchaser North Gaithersburg Investment, LLC Phone (301) 252-3170  
 Address 2401 Research Blvd., Suite 202, Rockville, Maryland 20850  
 Contact Person Barbara A. Sears, Linowes and Blocher LLP Phone (301) 961-5157

\*\* Lorraine Crown 10/20/04 \*\* Charlie O. Crown 10/20/04  
 Lorraine Crown Date Charles O. Crown Date  
 \*\* Signature of Property Owner/Representative \*\* Catherine V. Stinson 10/20/04  
 Catherine V. Stinson Date

\* This annexation application is not a substitute for the annexation petition, submission of which is required by State Law.

## ANNEXATION APPLICATION CHECKLIST

An informal meeting with the Planning and Code Administration Director or designated staff person shall precede the submission of this application.

**Submit application (on reverse side) and the following information:**

- ☐ 1. Notarized **Petition for Annexation** (see directions below)
- ☐ 2. Complete **list of owners** with respective addresses and ownership parcel numbers
- ☐ 3. **Metes and Bounds description** of property
- ☐ 4. **Boundary Survey** prepared by a registered land surveyor
- ☐ 5. **Vicinity Map** showing location of subject property
- ☐ 6. **Names and addresses** of adjacent property owners within 200 feet
- ☐ 7. **General information** on property, including but not limited to the following:  
County Master Plan and zoning; site characteristics; utilities; existing land use(s); and description, condition and age, if known, of all structures on-site
- ☐ 8. **Conceptual Site Plan** (optional)
- ☐ 9. **Tree Stand Delineation** (only if number 8 is provided)

## THE PETITION FOR ANNEXATION

Sample petitions have been attached. The petition should incorporate the following:

- ☐ 1. Name of petitioner(s)
- ☐ 2. Verification that petitioner is owner of not less than 25% of property to be annexed
- ☐ 3. Names and addresses of registered voters in residence at property
- ☐ 4. Location of property
- ☐ 5. Size of property
- ☐ 6. Legal description of property(s)
- ☐ 7. Statement formally requesting annexation into the City of Gaithersburg
- ☐ 8. Statement that request is "pursuant to Article 23A, Section 19 of the Annotated Code of Maryland"
- ☐ 9. Statement that "subject property is contiguous to and adjoining the existing corporate boundaries of the City of Gaithersburg"
- ☐ 10. Request for reclassification of zoning
- ☐ 11. Notary attestation